



**Barr,
Anhut &
Associates, P.C.**
ATTORNEYS AT LAW

105 Pearl Street
Ypsilanti, MI 48197
(734) 481-1234
Fax (734) 483-3871
www.barrlawfirm.com
e-mail: jslider@barrlawfirm.com

John M. Barr
Karl A. Barr

Jesse O'Jack ~ Of Counsel
William F. Anhut ~ Of Counsel – Retired
Jane A. Slider ~ Legal Assistant

November 5, 2012

Andrew Denton
Michael Morisy
MuckRock News
Dept MR 1447
PO Box 55819
Boston MA 02205-5819

Dear Messrs. Denton and Morisy:

RE: Freedom of Information Act request
Request #2012 - 63

Your request under the Freedom of Information Act for "information pertaining to proposals, contracts, budgets or cost allocations for the purchase and/or use of aerial drones, UAs, UAVs, and UASs" has been forwarded to this office for review and response.

The Ypsilanti Police Department has no plans to, nor any past proposals or considerations for, the purchase and/or use of aerial drones, UAs, UAVs, and UASs.

Therefore, your request is denied.

Sincerely yours,

Jane A. Slider, Certified PLS
Ypsilanti City Deputy FOIA Coordinator

Enc – response form

CITY OF YPSILANTI RESPONSE TO REQUEST FOR PUBLIC RECORDS - F.O.I.A.
MCLA 15.231, et seq

TO: Andrew Denton and Michael Morisy

This is in response to your faxed request for copies of the following: information pertaining to purchase and/or use of drones, UAs, UAVs, and UASs

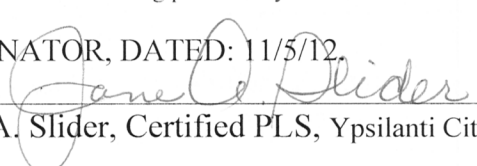
Your request for public records has been reviewed and the following action has been taken in compliance with the provisions of the State of Michigan Freedom of Information Act. (appropriate area is checked)

1. ☐ REQUEST APPROVED: With the exception of any items that may be exempt pursuant to Sec. of the Act. Request will be processed as soon as staff resources permit. (If this box is checked, you must provide another copy of this form when documents are forwarded to requester and check either box 2a or 2b.)
- 2a. ☐ REQUEST APPROVED: Documents will be requested and assembled following receipt of deposit.
- b. ☐ REQUEST APPROVED IN PART: Certain portions of this record which are exempt from disclosure have been separated or deleted from the enclosed documents. (See attached for details)
- c. ☐ REQUEST DENIED. It has been determined by this agency that the record you have requested is exempt from disclosure based on the provisions of the Freedom of Information Act. (See attached for details).
- d. ☒ REQUEST DENIED: The record you have requested does not exist within the records of this agency under the name or description given to us.
- e. ☐ REQUEST DENIED: Your request does not describe the record sufficiently to enable us to determine what record you are seeking. Please submit a new request describing the record in greater detail.

UNDER THE FREEDOM OF INFORMATION ACT, SEC. 10, YOU HAVE THE RIGHT TO APPEAL TO CITY COUNCIL OR SEEK JUDICIAL REVIEW IF YOUR REQUEST HAS BEEN DENIED IN WHOLE OR PART. SEC. 10 OF THE ACT READS AS FOLLOWS:

- (1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do one of the following at his/her option:
- Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial;
 - Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request;
- (2) Within 10 days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do one of the following:
- Reverse the disclosure denial;
 - Issue a written notice to the requesting person upholding the disclosure denial;
 - Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part;
 - Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than one notice of extension for a particular written appeal.
- (3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing an action in circuit court under subsection (1)(b).
- (4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. The circuit court for the county in which the complainant resides or has his/her principal place of business, or the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.
- (5) An Action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.
- (6) If a person asserting the right to inspect, copy or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).
- (7) If the circuit court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500 to the person seeking the right to inspect or receive a copy to a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

PROCESSED BY YPSILANTI FOIA COORDINATOR, DATED: 11/5/12.


Jane A. Slider, Certified PLS, Ypsilanti City Deputy FOIA Coordinator